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Joe Courtney

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July 2, 2019

Dear Constituent,

Thank you for contacting me regarding recent reports of unacceptable conditions for migrant children in federal custody. I appreciate your comments and having the benefit of your views.

By way of background, *Reno v. Flores* was an important human rights decision handed down by the Supreme Court of the United States in 1993 regarding the length of time children can be detained by Immigration and Naturalization Services. The Supreme Court ruled that the federal government is required to release children from immigration detention without undue delay in 20 days or less. That case, and the subsequent settlement require that immigration officials, including the Office of Refugee Resettlement (ORR), under the Department of Health and Human Services, which is tasked with caring for unaccompanied children, provide food, drinking water, medical assistance (if required), toilets, sinks, temperature controls, supervision, and separation from unknown adults while the children are in custody of the government. The settlement and other federal law also require that after migrant children are first detained by immigration authorities, they must be held in "safe and sanitary" facilities, and transferred within 72 hours to the custody of a qualifying adult or to a facility licensed to provide residential services.

Due to the unexpected number of children arriving in the United States, however, these licensed facilities operated by ORR and required to meet *Flores* standards are exceeding maximum occupancy. As a result, many children are being held in temporary Customs and Border Protection (CBP) facilities longer than is acceptable. Recently, the *New York Times* and other media outlets reported harrowing accounts of migrant children being held in post-detention CBP facilities not designed to care for children, and not equipped to provide basic essentials. A group of attorneys visiting a facility housing migrant children in CBP custody in Clint, Texas found that hundreds of children housed there were not provided adequate food, toiletries, blankets, the ability to shower or wash their hands, or cots or beds to sleep on. Children as young as 7 or 8 were forced to care for unrelated infants, and teen mothers were provided no necessary postpartum medical care. These conditions have led to explosive spread of germs and many of the children at the facility were sick with the flu. These conditions are unsanitary and traumatic and simply unacceptable.

Last year when I visited the southern border to see firsthand the fallout from President Trump's "zero tolerance" policy I went to a CBP facility in McAllen, Texas where adult migrants were being detained. The conditions I witnessed were unacceptable for children, especially infants and toddlers, and especially for long periods of time. That children are being held in similar facilities now confirms that the Trump Administration's enforcement policies have resulted in a dangerously under-resourced bureaucracy at the border. In speaking with CBP personnel during the visit, it was clear that the Administration's decisions have been rash, disorganized, and without regard for the long-term health of the children in their care.

Among the consequences of the failed policies I saw at the border myself last year and since then, the Office of Management and Budget recently informed the Congress that the agencies tasked with caring for unaccompanied minor children -- including ORR -- had run out of money. This shortfall severely limited their ability to care for children and families at the border and safely transport them to more appropriate facilities and, as a result, emergency legislation was necessary to ensure that the agencies can

provide food, shelter, and other resources to migrant children arriving in the United States. They also outlined a need for additional resources to build new facilities which meet *Flores* standards, and to hire counselors to transition children out of temporary custody and to the custody of a responsible adult or long-term residential facilities.

To that end, on June 25 I helped pass a House version of a border relief package that not only provided urgently needed resources to these children, but included robust requirements for treatment of detained children and stringent limitations on how the Trump Administration could use the funding. While this bill handily passed the House with my support, I was extremely disappointed that the Senate rejected the House version in a vote of 37-55. Instead, the Senate passed its own version of the measure in an overwhelmingly bipartisan vote of 84-8.

While I strongly preferred the House version of this bill, I ultimately supported the Senate version in order to address the urgent and immediate need to provide resources and relief to children and families. I share your frustration that this version does not address the long term challenges of the increasing influx of migrants across the border, or go as far as the House bill in limiting how immigration enforcement agencies can operate. However, I would note that the measure does include some important changes - such as extending the requirements of the *Flores* settlement to apply to any facility that houses migrant children, doubling the funding provided for legal resources for migrants and increasing the number of immigration judges to reduce the current backlog of 850,000 immigration cases.

Like you, I believe that more must be done to address the root causes of the crisis at the border - namely, the Trump Administration's immigration enforcement and family separation policies. I am an original cosponsor of the *Keep Families Together Act*, a bill which would amend immigration law to specifically prohibit the separation of parents and children taken into custody within 100 miles of the border. And, in the coming weeks the House may act on the 2020 Homeland Security appropriations recently reported out of the House Appropriations Committee that includes strong provisions aimed at further addressing these issues at the border.

Please know that I will keep our shared deep concern about the treatment of children and families at the border in mind as Congress continues to work to address the Trump Administration's draconian immigration enforcement policies. Should you have any additional comments or suggestions, please do not hesitate to contact me in the future. For more information on my work in Congress, please visit my website at [courtney.house.gov](http://courtney.house.gov) and sign up for my e-newsletter at [courtney.house.gov/forms/emailsignup](http://courtney.house.gov/forms/emailsignup). You can also connect with me at [facebook.com/joecourtney](https://facebook.com/joecourtney) or receive updates from [twitter.com/repjoecourtney](https://twitter.com/repjoecourtney).

Sincerely,

JOE COURTNEY  
Member of Congress

To: All Members of Congress

It is unacceptable that there are thousands of children and families suffering right now in immigrant detention. Children are denied soap and toothbrushes, crowded into unsafe conditions, and are going hungry because they are not provided enough food to eat. Separated from their families, they are subject to cruel and inhumane treatment that leads to lasting traumas. And some are dying in custody—or dying with parents as they cross the Rio Grande.

These conditions are the product of the Trump administration's cruel agenda to terrorize immigrant communities, criminalize migration, and dismantle our asylum laws.

Today, Close the Camps protests are happening across the country to declare that members of Congress must use all of their power to stop the atrocities now.

Here are three clear ways we request you to act:

- 1) Close the Camps.
- 2) Not One Dollar for Family Detention and Deportation.
- 3) Bear Witness and Reunite the Families.

First, to close the camps, you must end the zero tolerance policy. This is the crucial Department of Justice directive used as justification for family separation and the massive increase in immigrants held in detention. Also, remember that your powers are not limited to passing legislation. As a member of Congress, you have a large microphone and can leverage your power to pressure the Trump administration to act.

Second, stop funding family for detention and deportation. Kids and families do not belong in cages, and immigrants strengthen, not harm our society. We must transform into a country that welcomes people with dignity and respect.

Lastly, we request that you go to a detention center this week, during the July Fourth recess, and connect with community organizations and direct service providers along the border or near a detention facility to get a sense of the full scope of the issues, and then become an advocate for these kids and families to be freed and reunited. Your visit is needed to add to the mounting public pressure and achieve a breakthrough.

Here are some resources to help with your visit.

- Guide to visiting an ICE Detention Facility: <https://bit.ly/2YjHXbd>
- Visit United We Dream's ICE and CBP tracker:  
<https://unitedwedream.org/the-truth-about-ice-and-cbp/ice-and-cbp-abuse-tracker/>
- Contact Ana Maria at RAICES for advice on setting up a visit and which local organizations to contact. Ana Maria Rea, [anamaria.rea@raicestexas.org](mailto:anamaria.rea@raicestexas.org)

- Contact Heidi Altman at National Immigrant Justice Center for resources on immigrant detention and visiting ICE facilities: Heidi Altman, [haltman@heartlandalliance.org](mailto:haltman@heartlandalliance.org)
- Post about your trip on social media and national organizations will amplify your visit.

Last December, dozens of partners including the American Friends Service Committee, United We Dream, and hundreds of faith leaders from many traditions went to the border in San Diego to stand in solidarity with migrants seeking refuge. Some engaged in civil disobedience, inching across an invisible line in the sand on their knees in front of armed Border Patrol agents to draw national attention to the need for changes to U.S. immigration policy.

They were there because they could not stand by silently while migrants fleeing violence and poverty were met with tear gas, military intervention, family separation, and indefinite detention. They were there to speak to the moral imperative of respecting human rights and treating people with dignity, respect, and compassion. They were there to ask our elected officials to demilitarize our border communities and adopt more humane immigration policies.

And that is what we are asking of you today, as well.

It is on all of us to act.

Thank you,